

Service Date: June 14, 2000

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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IN THE MATTER OF MID-RIVERS TELEPHONE)	UTILITY DIVISION
COOPERATIVE, INC., Petition for Designation as)	
an Eligible Telecommunications Carrier in the)	DOCKET NO. D99.11.250
Wibaux, Montana, Exchange)	ORDER NO. 6229b

FINAL ORDER

1. On November 16, 1999, Mid-Rivers Telephone Cooperative, Inc. (Mid-Rivers), filed before the Public Service Commission (PSC) an application for designation as an eligible telecommunications carrier (ETC) in the Wibaux, Montana, exchange. US West Communications, Inc. (USWC), and Western Wireless Corporation (Western) intervened in the proceeding. On March 30, 2000, Mid-Rivers and USWC, the incumbent provider in the Wibaux exchange, filed a stipulation allowing designation of Mid-Rivers as an ETC. Western has indicated that it has no disagreement with the stipulation as filed.

2. The PSC approves the stipulation and subject to the terms of this Final Order determines that Mid-Rivers should be designated an ETC and thereby be eligible for universal service funds for service in the Wibaux exchange. In accordance with § 69-3-840, MCA, § 214(e) Telecommunications Act of 1934, as amended, and 47 C.F.R. § 54, Mid-Rivers offers the covered services in the service area through either facilities-based operations or a combination of facilities-based and resale and advertises the availability of services through generally distributed media and designation is consistent with the public interest, convenience, and necessity.

3. The covered services include voice-grade access to the public switched network with some usage; dual-tone multi-frequency signaling or its functional equivalent; single-party service or its functional equivalent; access to emergency services including 911 or enhanced 911; access to operator services, interexchange service, and directory assistance; and toll limitation. Mid-Rivers provides all of these services to current customers and will offer these services to all customers in the Wibaux exchange after designation. Mid-Rivers has made investments in facilities to serve the community of Wibaux. Mid-River states that it will provide service to

other customers through a resale agreement with USWC if it is unable to provide service through its own equipment. Mid-Rivers has provided examples of its local newspaper advertising and legal notice for its services. Mid-Rivers does not have a marketing plan or other information concerning exactly what information will be disseminated or how it will be distributed in the future. Mid-Rivers has made a commitment to serve customers requesting service within the service area if ETC status is granted. Mid-Rivers is already serving a significant share of customers within the Wibaux exchange and is an established operation with experience in service areas in this state. Mid-Rivers has demonstrated a commitment in providing service to customers by establishing a local commercial office and local personnel. One benefit from its efforts in the area is that two customers who were not served previously now have service.

4. Mid-Rivers meets the minimum conditions established in state and federal statutes. The PSC grants ETC status, with the following conditions. Mid-Rivers shall provide the PSC with a short report on its advertising activities in the Wibaux service area at the end of its first year of ETC designation. The report must include copies of its advertising with a description of how and when the advertising was distributed. At that time the PSC will determine if any additional reporting, annually or otherwise, would be beneficial. Mid-Rivers is also directed to negotiate a resale agreement with USWC as quickly as possible and file that agreement with the PSC. Additionally, ETC certification is an annual requirement and the PSC requests that future applications for certification be filed well in advance of the certification deadline. FCC universal service orders anticipate that states will take appropriate steps to account for the receipt of high cost funds and ensure that support is being applied consistent with law. States also have flexibility in deciding how ETC-designated carriers use the support provided. The PSC is presently considering initiating a proceeding or proceedings, the purpose of which may include a determination of how ETCs will apply high cost universal service funds attributable to the Montana jurisdiction.

5. The application of Mid-Rivers Telephone Cooperative, Inc., for designation as an eligible telecommunications carrier in the Wibaux, Montana, exchange is hereby approved.

Done and dated this 30th day of May, 2000, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

DAVE FISHER, Chair

NANCY MCCAFFREE, Vice Chair

BOB ANDERSON, Commissioner

GARY FELAND, Commissioner

BOB ROWE, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.